


CONCERNED CITIZENS OF CLARKSBURG

August 20, 2008

Delivered by email and USPO

The Honorable Philip L. Isenberg
Chair, Delta Vision
428 J Street Suite 440
Sacramento, CA 95814

SUBJECT: COMMENTS ON DELTA VISION DRAFT #3

Dear  Chairman Isenberg,

Concerned Citizens of Clarksburg is an unincorporated association of citizens who filed the first successful appeal with the Delta Protection Commission (DPC) opposing the high density residential component of the Old Sugar Mill project. We thank you for your service and for this opportunity to comment on Draft #3 of the Delta Vision Plan.

We support and commend that DPC's appeal process, as currently defined by the 1992 Delta Protection Act. We found that the process worked well and the result was compliant with the DPC's "Land Use and Resource Management Plan" (the "Plan").

- I. If the ***appeal authority*** is removed from the DPC and replaced with another permitting agency, as stated on Page 68 of the Third Draft, Delta Vision: Exercise direct permit authority over development proposals in the Primary Zone", we feel that the current and proven process could be compromised:
 - The DPC does not have the budget nor the personnel to effectively conduct an in-depth analysis of the technicalities of a land use project and to evaluate CEQA implications.
 - Political interference during the permitting process could result in a political decision rather than actions that are consistent with the interests of the State of California and legally compliant with the Act and the Plan.
 - Any proposed development in the five counties of the Primary Zone in which a land use project is proposed should be consistent with the General Plans of the counties which are legally required to be compliant with the Plan. If the proposed projects are compliant with the Plan, there should be no cause for appeal.
 - If an appeal should be made to the DPC, the appeal can be made by either a member of the Commission or by an aggrieved party, as mandated in AB767 (Wolk).

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- If either party to an appeal is dissatisfied with the DPC decision, then another appeal could be made to the "higher" authority - The California Delta Ecosystem and Water Council (CDEWC).
- The applicant would have sixty (60) days to appeal to the CDEWC

In conclusion, *Concerned Citizens of Clarksburg agree that the statutory appellant process of the Delta Protection Commission should remain as is.*

II. On page 74 of Draft #3, it is recommended: "By 2009, the **composition of the DPC** should be revised to include all cities in the legal Delta, as well as representation by the Central Valley Flood Protection Board and the USACE:

- With twenty three (23) members currently represented on the DPC, ten (10) additional members (approximately 33 +/-) would present a problem in obtaining necessary quorums and difficulty in maintaining order and focus of the DPC.
 - California Coastal Commission functions with twelve (12) voting and three 3 non-voting commissioners
 - The Tahoe Regional Planning Authority functions with a board of fifteen (15) members.
- The Legal California Delta, consisting of the Primary and Secondary Zones, is mandated by the Delta Protection Act of 1992. Commissioners are expected to "wear the hat" of the State of California and not be prejudicial to their local municipalities. It was our experience, through the Old Sugar Mill appeal, that many of the elected local officials did not assume a role of a DPC Commissioner when casting a vote. They only represented local interest. To appoint a predominance of local electeds would be detrimental to the Act.

III. For purposes of consistency, Concerned Citizens of Clarksburg recommends that the proposed **Delta Conservancy** be included under the authority of the Delta Protection Commission.

- Funding for personnel to oversee this important element would be available through fees generated by the Conservancy.
- Because habitat plans can fluctuate between counties, it is essential that consistency be maintained in the Delta's Primary Zone and ensure that the ecosystem is enduring and sustainable.

IV. Concerned Citizens of Clarksburg strongly support the inclusion to the DPC in the role of coordinating collaboration among Delta emergency response entities and the development of a coordinated Delta **Emergency Response Plan.**

- Consistency between all areas in the Delta, where 200 year flood protection has not been achieved, should be provided by a single agency.

V. **Delta as Place** should be included as a co-equal value in the Delta Vision Plan.

- Agriculture must be treated with more importance and significance.
 - World wide food shortages will create more need for Class A soils typically found in the California Delta.
 - Close markets with escalating transportation costs will benefit from locally grown commodities.
 - To remove agriculture from production would result in an economic loss to the State of California.
 - The fewer the farmers and farm land in the Delta, the fewer the stewards of the environment and the more difficult and expensive it will be to obtain compliance with the Delta's needs.
 - Agriculture acts as a responsible steward of the land and does so privately and without public funding.

VI. **State of California funding** must be provided to the DPC and to other agencies of the proposed governance. The State of California and its citizens have an economic stake in both the Primary and Secondary zones of the legal Delta and must share, in a major way, the costs of administering the Vision which is being created, if it is to succeed.

VII. We *strongly* support the revision of the DPC's Plan to reflect the impacts that the **2007 State Floodplain Development** laws will have on communities in the Delta – both in the Primary and in the Secondary Zone.

In conclusion, we hope that the structure for the governance of the California Delta will not become overly bureaucratic. Simple things work. Too many details create confusion and tend to cause well meaning objectives to bog down and cease to function effectively..

Thank you again, Chairman Isenberg, for giving us the opportunity to provide comments and input into the Delta Vision process. We wish you and the members of the Blue Ribbon Task Force much success, as you continue to develop a vision that will benefit to all Californians and beyond.

Sincerely,


Peggy Bohl


Russell van Loben Sels

✓
c.c. John Kirlin

Linda Fiack, members of the Delta Protection Commission